IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA WESTERN DIVISION

NO. 5:22-CV-7-FL

I.M. and T.R. by and through their respective Guardians Ad Litem,)	
Plaintiffs,)	
v.)	ORDER
GRANVILLE COUNTY BOARD OF EDUCATION,)))	
Defendant.)	

This matter is before the court upon defendant's motion for partial dismissal of plaintiff's amended complaint, pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6). (DE 29). Plaintiffs have not responded in opposition, and defendant has set forth multiple grounds for dismissal of plaintiffs' Fourteenth Amendment due process claim and that part of plaintiff's claim for injunctive relief based thereon. Plaintiff's claim for damages under the Fourteenth Amendment properly is dismissed because there is no implied cause of action against a local government entity outside of 42 U.S.C. § 1983. See Cale v. City of Covington, Va., 586 F.2d 311, 318 (4th Cir. 1978). That part of plaintiff's claim for injunctive relief based on a Fourteenth Amendment violation accordingly also is dismissed.

In sum, defendant's motion (DE 29) is GRANTED, and plaintiffs' Fourteenth Amendment due process claim and that part of plaintiff's claim for injunctive relief based thereon are DISMISSED WITHOUT PREJUDICE.

SO ORDERED, this the 16th day of February, 2023.

ZOJISE W. FLANAGAN

United States District Judge